

# **EXHIBIT 4**

Letter dated February 26, 1900 to Frank Conser  
from Commissioner of Indian Affairs

Land.

February 26, 1900.

Frank M. Conser,  
Supervisor of Indian Schools,  
Miles, Washington,  
Care U.S. Indian Agent,  
Colville Agency, Washington.

Sir:

The Walker River Reservation is situated in the State of Nevada, some 60 miles southeast of Wadsworth. Its boundaries were surveyed in December 1864 by Eugene Monroe and embrace an area of 320,000 acres, including the Walker Lake. Notwithstanding this reservation was surveyed in 1864 by the said surveyor for the use and occupancy of the Pah Ute Indians then located thereon, the Honorable Secretary of the Interior under date of March 18, 1874, upon request of this office in a letter dated the 17th of that month, recommended to the President that he issue an order withdrawing from sale or other disposition and setting apart the reservation or tract of country embraced in said survey for the use and occupation of the Indians named.

On March 19, 1874, the President ordered that the reservation situated on Walker River, Nevada, as surveyed by Eugene Monroe December 1864, be withdrawn from sale or other disposition and set

-2-

aside for the use of the Pah Ute Indians then residing thereon. The Pah Ute Indians still use and occupy this reservation, and have done so, as will be observed from the foregoing statements, for about 35 years.

For several successive Congresses bills have been introduced to vacate and restore this reservation to the public domain and remove the Indians to the Pyramid Lake reservation in said State. The office has steadfastly opposed this proposed legislation and recently made an earnest report upon a bill submitted to this office by Senator Stewart containing provisions for the vacation of this reservation, its restoration to the public domain and the removal of the Indians occupying the same to the Pyramid Lake reservation. The office is desirous of securing these Indians permanent homes upon that reservation and in order to do so it appears that steps should be taken to allot the desirable lands to the Indians in severalty under the provisions of the General Allotment Act approved February 8, 1887, as amended by the Act of February 28, 1891, (26 Stats., 794). According to recent reports to this office by the Superintendent of the Carson School, most of the land embraced in this reservation is rough and arid; but it appears that there are now under cultivation about 1100 acres of land, and that from seven to ten thousand acres additional could be brought under cultivation by building a dam in the Walker River and constructing an irrigation ditch from five to six miles long. Such a ditch would cost, according to an estimate submitted to this office August 31, 1898, by Eugene

-3-

Mead, Superintendent of the Carson School, about \$12,000, and according to estimates submitted by Superintendent Allen in his annual report of last year from \$10,000 to \$15,000. There is already it appears a ditch upon the reservation two or three miles in length which affords some irrigation to the crops planted by the Indians. The plan of furnishing the Indians additional water by means of a dam in the Walker River and the construction of an irrigation ditch in connection therewith seems feasible from reports on file in this office. While the Indians of this reservation are slow to accept civilized habits considerable advancement has been made in the last five years among them. A number of them have opened up little farms or ranches, sown fields to alfalfa, produced wheat and vegetables and a few have domestic fowls. Few of them have houses, being content, as it appears, to live in their "wickiups" winter and summer.

The lands within the reservation have not been surveyed. Before allotments can be made it will be necessary to cause the desirable lands within the reservation to be surveyed as the public lands are surveyed and subdivided in the same manner. It appears that there are about 600 Pah Ute Indians occupying this reservation. The Indians claiming the Walker River reservation as their home are shown in the following table:

Males above 18 years of age.....	184
Females above 14 years of age.....	226
Males between 6 and 18 years of age.....	75
Females between 6 and 14 years of age.....	52
Males under 6 years of age.....	31
Females under 6 years of age.....	28
Total.....	596

-4-

Under the provisions of the amended general allotment act each Indian, whether adult or minor, married or single, male or female, is entitled to 80 acres of agricultural land. It is also provided in said act, as amended, that when lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantition. If all of the lands of this reservation were agricultural in character there would be required 48,000 acres to make allotments to the 600 Indians occupying the reservation. In case the lands were valuable for grazing purposes only double that quantity would be required to make allotments to them; but it appears that there are not more than 12,000 acres of land suitable for allotment, or at least that quantity which can be brought under irrigation and cultivation. There is therefore not enough of good agricultural land to give the Indians the quantity allowed under the General Allotment act as amended. It is provided, however, in said acts that in case there is not sufficient land in any of the reservations therein referred to to allot to each individual the quantity of land as provided, the land or reservation may be allotted to each individual pro rata as near as may be according to legal subdivisions. It seems from the foregoing statement, based upon reports in this office, that there are about 12,000 acres of land within the reservation susceptible of irrigation and cultivation. This quantity allotted to the 600 Indians occupying the same would give to each 20 acres,

-5-

When the snows in that section of country shall have disappeared, say in the month of April or May, and when you can conveniently do so, you will proceed to the Walker River reservation, Nevada, for the purpose of examining the character of that reservation and ascertaining about the quantity of allottable land situated therein. To perform this duty properly it will be necessary for you to go over and examine the reservation personally or at least that portion of the same on which the Indians are settled and where allotments may be made. The Walker Lake, as above indicated, is situated in the south half of the reservation. The Walker River runs through the central portion of the northern half thereof. The reservation appears to be surrounded wholly by mountains. It is thought that the lands which are adapted to agriculture and suitable for allotment are situated in the valley north of Walker Lake and along Walker River; but you must determine this fact by proper examination of the lands.

As above stated, the lands within the reservation are not surveyed. Surveys of the public domain have been made in some instances adjacent thereto.

I enclose, herewith, a map of the State of Nevada showing the boundaries of said reservation and the public surveys in the vicinity thereof. You will observe that I have caused red ink lines to be projected on this map through the reservation from the lines of the public survey thereby indicating the township and range in which the lands of the reservation would fall when the public survey

-6-

comes to be extended thereover. This map is enclosed not only for your information, but for your use in submitting your report under the instructions herein given. When you shall have made an examination of the lands within the reservation and determined what lands are suitable for agriculture and therefore allottable, you will indicate the same on this map by placing a cross or some proper color within the townships and ranges necessary to be surveyed to cover the lands desired. The expenses of the survey of these lands will be paid by this office from funds appropriated for that purpose. It is not desired, however, to pay for survey of townships and ranges which are not suitable for allotment and which will likely at some future time be restored to the public domain. You will therefore be careful in submitting your report, yet it is hoped that you will cover all lands thereby which the Indians desire and which should be allotted to them.

If there are not more than 12,000 acres of agricultural land within the reservation, it would hardly seem just to allot that quantity of land in 80 acre tracts to a portion of the Indians of the reservation and give to other Indians inferior lands or lands not susceptible of irrigation and cultivation. Please consider thoroughly, therefore, the question as to whether these Indians should be allotted in quantities less than 80 acres or, in other words, whether the agricultural lands should be allotted to each individual Indian pro rata as near as may be according to legal

-7-

subdivisions. To satisfactorily determine this question it is thought that the matter should be presented to the Indians in council assembled for that purpose, and their wishes ascertained after the same has been fully explained to them. The lands selected for allotment should be susceptible of irrigation. It seems that you might be able to determine that question from the general contour of the country and the land lying along Walker River. The old ditch constructed over these lands should be examined with a view of obtaining information upon the matter.

I think it would be well for you to consult with James K. Allen, Superintendent of the Carson School, before undertaking the examination above indicated. In fact it would be well for you to invite Superintendent Allen to accompany you in your investigations and conferences with the Indians respecting the matter under consideration. He doubtless will be able to throw much light upon the question. He was recently in this office and discussed in an informal way the matter under consideration, showing quite a knowledge of the same and manifesting great interest in the welfare of the Indians. It is therefore concluded that his information and suggestions would materially aid you in reaching a proper conclusion as to the lands necessary to be surveyed for allotments and the quantity which should be given each individual Indian. The office will advise him that you have been instructed to visit the Walker River reservation for the purposes herein indicated, and to assist



-8-

you, upon your call, in any proper manner that he may be able, accompanying you over the reservation if his duties as Superintendent of the Carson School, will permit.

In case the public surveys are extended over the agricultural lands within the reservation and allotments thereof made, the surplus lands may soon thereafter be ceded to the United States if the Indians will consent to such cession. By that means funds sufficient might be obtained to construct the dam and irrigation ditch as heretofore suggested by the several Superintendents of the Carson School; also to furnish the Indians with agricultural implements and other necessary articles to put them in the way of self-support and enable them to cultivate the lands allotted.

The betterment of the condition of these Indians is very much desired and it is believed that allotments of land in severalty to them will lead to that end. It is trusted that the scope of the instructions herein given is sufficient to enable you to make a full and complete report upon the matter under consideration. Should any other questions arise or present themselves which in your judgment would improve the condition of the Indians and of which this office should be advised, you will submit the same in your report.

It may be stated for your information that the General Land Office will be asked to request the Surveyor General of Nevada to submit an estimate of the cost of the survey of the townships

-9-

and ranges which may be recommended by you for survey under the instructions herein given. The main purpose now is to ascertain definitely what lands should be surveyed for allotment to these Indians, and the quantity which should be given to each individual Indian, and whether this is a wise course to pursue with respect to these Indians.

For your further information I enclose a copy of a letter dated February 16, 1900, from Superintendent Allen, of the Carson School. This shows the proposition he has in mind for allotting these Indians and thereafter negotiating with them for the cession of the surplus lands.

Very respectfully,

(J.H.H.)

Commissioner.

P.